

HOUSE BILL 284
By Casada

AN ACT to amend Tennessee Code Annotated, Title 70,
Chapter 4, Part 1, relative to hunting and fishing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 4, Part 1, is amended by adding the following as a new section:

Section _____. Notwithstanding any other provision of law to the contrary:

(a) The general assembly recognizes that hunting and fishing and the taking of wildlife are a valued part of the cultural heritage of the state of Tennessee. The general assembly further recognizes that such activities play an essential role in the state's economy and in funding the state's management programs for game and nongame species alike, and that such activities have also come to play an important and sometimes critical role in the biological management of certain natural communities within this state. In recognition of this cultural heritage and the tradition of stewardship it embodies, and of the important role that hunting and fishing and the taking of wildlife play in the state's economy and in the preservation and management of the state's natural communities, the general assembly declares that Tennessee citizens have the right to take fish and wildlife, subject to the laws and regulations adopted for the public good and general welfare and that such laws and regulations should be vigorously enforced. The general assembly further declares that the state's wildlife resources shall be managed in accordance with sound principles of wildlife management using all appropriate tools, including hunting, fishing, and the taking of wildlife.

(b) The ownership of, jurisdiction over, and control of all wildlife, as defined in this title are declared to be in the State of Tennessee, in its sovereign capacity, to be controlled, regulated, and disposed of in accordance with this title. Wildlife is held in trust by the state for the benefit of its citizens and shall not be reduced to private ownership, except as specifically provided for in this title. All wildlife of the State of Tennessee is declared to be within the custody of Tennessee wildlife resources agency for purposes of management and regulation in accordance with this title; however, the state of Tennessee, Tennessee Wildlife Resources and the agency shall be immune from suit and shall not be liable for any damage to life, person, or property caused directly or indirectly by any wildlife.

(c) The Tennessee Wildlife Resources Agency has the authority and the responsibility to work with cooperating sportsmen, conservation groups, and others to encourage participation in hunting and fishing at a level to ensure continuation of such activities in perpetuity and no net loss of hunting and fishing opportunity on state-owned lands. Further, the Tennessee Wildlife Resources Agency is authorized to promote and encourage hunting, fishing, and other wildlife associated recreation on state managed wildlife areas, public fishing areas, state or federally owned or managed forests, and other suitable public and private lands of this state.

(d) To hunt, trap, or fish, as defined in this title, or to possess or transport wildlife is declared to be a right to be exercised only in accordance with the laws governing such right. Every person exercising this right does so subject to the authority of the state to regulate hunting, trapping, and fishing for the public good and general welfare; and it shall be unlawful for any person exercising the right of hunting, trapping, fishing, possessing, or transporting wildlife to refuse to permit authorized employees of the Tennessee Wildlife Resources Agency to inspect and count such wildlife to ascertain

whether the requirements of the state's wildlife laws and regulations are being faithfully complied with. Any person who hunts, traps, fishes, possesses, or transports wildlife in violation of the state's wildlife laws and regulations violates the conditions under which this right is extended; and any wildlife then on his or her person or within his or her immediate possession are is deemed to be wildlife possessed in violation of the law and fire is subject to seizure by the Tennessee Wildlife Resources Agency. Nothing in this subsection shall be construed to reduce, infringe upon, or diminish the rights of private property owners as otherwise provided by general law.

(e) It shall be unlawful to hunt, trap, or fish except during an open season for the taking of wildlife, as such open seasons may be established by law or by rules and regulations promulgated by the Wildlife Resources Commission or as otherwise provided by law.

(f) It shall be unlawful to hunt, trap, or fish except in compliance with the bag, creel, size, and possession limits, and except in accordance with such legal methods and weapons, and except at such times and places as may be established by law or by rules and regulations promulgated by the Wildlife Resources Commission.

(g) It shall be unlawful to hunt, trap, or fish for any game species after having obtained the daily or season bag or creel limit for that species.

(h) Except as otherwise provided by general law, the power and duty to promulgate rules and regulations relating to hunting, trapping, and fishing rests solely with the Wildlife Resources Commission. No political subdivision of the state may regulate hunting, trapping, or fishing by local ordinance; provided, however, that a local government shall not be prohibited from exercising its management rights over real property owned or leased by it for purposes of prohibiting hunting, fishing, or trapping upon the property or for purposes of setting times when access to the property for

purposes of hunting, fishing, or trapping in accordance with this title may be permitted. Nothing contained in this section shall prohibit municipalities or counties, by ordinance, resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the political subdivision for purposes of public safety.

(i) A person who violates any provision of this section commits a Class A misdemeanor.

(j) If any court finds that any criminal violation of the provisions of this section displays a willful and reckless disregard for the wildlife of this state, the court may, in its discretion, suspend the violator's right to hunt, fish, trap, possess, or transport wildlife in this state for a period not to exceed 5 years.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.